



RELEASE OF CUSTODY CERTIFICATE

In the matter of \_\_\_\_\_, deceased.

CALIFORNIA HEALTH AND SAFETY CODE - CUSTODY AND DUTY OF INTERMENT

§7100. Right to control the disposition of the remains and to arrange funeral; Relinquishment of right by person charged murder or manslaughter of decedent; Liability for costs; Liability of funeral director or cemetery authority.

(a) The right to control the disposition of the remains of a deceased person, the location and conditions of interment, and arrangements for funeral goods and services to be provided, unless other directions have been given by the decedent pursuant to Section 7100.1, vests in, and the duty of disposition and the liability for the reasonable cost of disposition of the remains devolves upon, the following in the order named:

- (1) An agent under a power of attorney for health care who has the right and duty of disposition under Division 4.7 (commencing with Section 4600) of the Probate Code.
- (2) The competent surviving spouse.
- (3) The sole surviving competent adult child of the decedent or, if there is more than one competent adult child of the decedent, the majority of the surviving competent adult children. However, less than the majority of the surviving competent adult children shall be vested with the rights and duties of this section if they have used reasonable efforts to notify all other surviving competent adult children of their instructions and are not aware of any opposition to those instructions by the majority of all surviving competent adult children.
- (4) The surviving competent parent or parents of the decedent. If one of the surviving competent parents is absent, the remaining competent parent shall be vested with the rights and duties of this section after reasonable efforts have been unsuccessful in locating the absent surviving competent parent.
- (5) The sole surviving competent adult sibling of the decedent or, if there is more than one surviving competent adult sibling of the decedent, the majority of the surviving competent adult siblings. However, less than the majority of the surviving competent adult siblings shall be vested with the rights and duties of this section if they have used reasonable efforts to notify all other surviving competent adult siblings of their instructions and are not aware of any opposition to those instructions by the majority of all surviving competent adult siblings.
- (6) The surviving competent adult person or persons respectively in the next degrees of kinship or, if there is more than one surviving competent adult person of the same degree of kinship, the majority of those persons. Less than the majority of surviving competent adult persons of the same degree of kinship shall be vested with the rights and duties of this section if those persons have used reasonable efforts to notify all other surviving competent adult persons of the same degree of kinship of their instructions and are not aware of any opposition to those instructions by the majority of all surviving competent adult persons of the same degree of kinship.
- (7) A conservator of the person appointed under Part 3 (commencing with Section 1800) of Division 4 of the Probate Code when the decedent has sufficient assets.
- (8) A conservator of the estate appointed under Part 3 (commencing with Section 1800) of Division 4 of the Probate Code when the decedent has sufficient assets.
- (9) The public administrator when the deceased has sufficient assets.

§7110. Any person signing any authorization for the interment or cremation of any remains warrants the truthfulness of any fact set forth in the authorization, the identity of the person whose remains are sought to be interred or cremated, and his or her authority to order interment or cremation. He or she is personally liable for all damage occasioned by or resulting from breach of such warranty.

**Tissue / Organ / Body Fluid Retention Notice**

If it is determined that an autopsy, external examination, toxicology or microbiology analysis is required to determine or confirm the cause and manner of death pursuant to California Government Code §27491, Tissue(s)/organ(s)/body fluid(s) may be retained for analysis and/or evidentiary purposes pursuant to California Government Code §27491.4. Tissues/organs/body fluids retained at autopsy or during any coroner investigative procedure will be disposed of pursuant to California Health and Safety Code §7054.4.

**WARNING:** The person signing this order for release is liable for all damages caused by any untruthful statements contained in this document. (health and Safety Code Section 7110). It is a criminal offense to knowingly file a false statement with a government agency. (Penal Code Section 115 and 470.)

I / WE DECLARE, UNDER PENALTY OF PERJURY, that I/we have the right to control the disposition of the remains of:

\_\_\_\_\_, SS# \_\_\_\_\_ in Accordance with Health & Safety Code 7100:

NAME: \_\_\_\_\_ RELATIONSHIP: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_

STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

Please check if additional signatures are attached.

ID VERIFIED BY: \_\_\_\_\_ Name of Mortuary: \_\_\_\_\_  
*Signature*

**(DEPARTMENT USE ONLY)**

The requirements of the State of California Health and Safety Code Sections 7100, 7102 and 7110 have been met. The remains may be released upon receipt of this certificate.

CASE NO.: \_\_\_\_\_ CERTIFICATE NO.: \_\_\_\_\_

AUTHORIZED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

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